

**T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT**

Date:	<b>04-Apr-06</b>	APPL. S. N:	<b>09840546</b>
To Examiner:	<b>SRIVASTAVA, VIVEK</b>	Art Unit	<b>2623</b>
From	<b>Jefferson, Henry</b> PARALEGAL SPCECIALIST	Return This Memo To: Case Drop-Off Location	<b>JEF-2D68</b>

**SUBJECT:** Decision on Terminal Disclaimer(T.D.) filed:

INSTRUCTIONS: I have reviewed the submitted T.D. with the results as set forth below. If you agree, please use the appropriate form paragraphs identified by this informal memo in your next Office action to notify applicant of the T.D. If you disagree or have any questions, please see me or the Special Program Examiner. THIS IS AN INFORMAL, INTERNAL MEMO ONLY. IT MUST NOT BE (1) MAILED TO APPLICANT OR (2) PLACED OF RECORD IN THE APPLICATION FILE. When your action is complete,


please initial, date and return this memo to me. THANK YOU.

- ☒ The T.D. is PROPER and has been recorded (see 14.23).
- ☐ The T.D. is NOT PROPER and has not been accepted for the reason(s) checked below (see 14.24):
- ☐ The TD fee of  has not been submitted nor is there any authorization in the application file for the use of a deposit account
  - ☐ The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (see 14.26 & 14.26.01).
  - ☐ The T.D. lacks the enforceable only during common ownership clause - needed to overcome a non-statutory double patenting rejection, Rule 321(b) (see 14.27.01).
  - ☐ The T.D. is directed to a particular claim(s), which is not acceptable since "the disclaimer must be for a terminal portion of the term of the entire patent to be granted" (MPEP 1490) (see 14.26 & 14.26.02).
  - ☐ The person who signed the T.D.:
    - ☐ is not an attorney "of record" (see 14.29 and 14.29.01).
    - ☐ has failed to state his/her capacity to sign for the business entity (see 14.28).
    - ☐ is not recognized as an officer of the assignee (see 14.29 & possible 14.29.02).
  - ☐ No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame number specified as to where such evidence is recorded in the Office (see 37 CFR 3.73(b) and 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the reel and frame number may be found in the T.D. or in a separate paper of record in the application (see 14.30).
  - ☐ The T.D. is not signed (see 14.26 & 14.26.03).
  - ☐ The serial number of the application (or the number of the patent) which forms the basis for the double patenting rejection is missing or incorrect (see 14.32).
  - ☐ The serial number of this application (or the number of the patent in reexam or reissue cases being disclaimed is missing or incorrect (see 14.26, 14.27.02 or 14.26.05).
  - ☐ The period disclaimed is incorrect or not specified (see 14.26, 14.27.02 or 14.26.03).
  - ☐ Other:
  - ☐ Suggestion to request refund (see 14.36). NOTE: If already authorized, credit refund to deposit account and do not check this item.

I have appropriately notified applicant(s) of the status of the Terminal Disclaimer filed in this case.

Ex.Initials: \_\_\_\_\_ Date: \_\_\_\_\_

Log Date: \_\_\_\_\_

<b>Application Number</b> 	<b>Application/Control No.</b> 09/840,546	<b>Applicant(s)/Patent under Reexamination</b> KITSUKAWA ET AL.	
<b>Document Code - DISQ</b>		<b>Internal Document – DO NOT MAIL</b>	

<b>TERMINAL DISCLAIMER</b>	<input checked="" type="checkbox"/> <b>APPROVED</b>	<input type="checkbox"/> <b>DISAPPROVED</b>
Date Filed : March 28, 2006	This patent is subject to a Terminal Disclaimer	

<b>Approved/Disapproved by:</b>
Henry D. Jefferson

RECEIVED  
CENTRAL FAX CENTER

MAR 28 2006

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Applicant: Kitsukawa	)	Art Unit: 2617
Serial No.: 09/840,546	)	Examiner: Srivastava
Filed: April 23, 2001	)	50P4369
For: ELECTRONIC PROGRAM GUIDE INCLUDING	)	March 28, 2006
VIRTUAL CHANNELS FOR INTERACTIVE	)	750 B STREET, Suite 3120
TELEVISION	)	San Diego, CA 92101

Commissioner of Patents and Trademarks  
Washington, DC 20231

**TERMINAL DISCLAIMER**

I, John L. Rogitz, certify that, to the best of my knowledge and belief, the entire title to the present U.S. patent application and to U.S. patent application no. 09/839,482 ("the cited application") reside in Sony Corp. and Sony Electronics Inc. ("the assignee").

Further, the assignee hereby agrees that any patent granted on the above-identified U.S. patent application shall be enforceable only for and during such period that said patent is commonly owned with the cited application. The assignee hereby disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of any patent granted on the cited application.

The assignee does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of any patent granted on the cited application in the event that said patent later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for separation of legal title as set forth above. This disclaimer runs with the patent granted on this application.

Respectfully submitted,

  
John L. Rogitz, Reg. No. 33,549

1100-12.705

03/29/2006 MBINAS 88888885 89848546

01 FC:1814

139.00 OP